

UNITED STATES DISTRICT COURT
District of Maine

WAYNE E. BOULIER, JR.,) Docket No. 1:21-cv-00080-JAW
Plaintiff)
)
v.)
)
PENOBCOT COUNTY JAIL)
OVERSEERS AND ADMINISTRATION,)
SHERIFF TROY MORTON, and RICHARD)
CLUKEY,)
Defendants)

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS

NOW COME Defendants Penobscot County Jail, Troy Morton, and Richard Clukey, by and through undersigned counsel, and hereby respond to the allegations contained in Plaintiff's Complaint as follows:

AFFIRMATIVE DEFENSES

- A. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.
- B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in Plaintiff's Complaint.
- C. Plaintiff's damages, if any, were directly and proximately caused by the acts and/or omissions of an individual and/or entity other than these Defendants.
- D. Plaintiff's damages, if any, were directly and proximately caused by a legally sufficient superseding/intervening cause.
- E. Plaintiff has failed to mitigate his damages as required by law.
- F. These Defendants are entitled to qualified immunity.

G. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

H. Defendants are entitled to all immunities available under the Maine Tort Claims Act.

I. The Penobscot County Jail and Penobscot County Sheriff's Office are not entities that can be sued.

ANSWER

1-5. Defendants deny each and every averment set forth in Paragraphs 1 through 5 of Plaintiff's Complaint.

WHEREFORE, Defendants pray for judgment in their favor against Plaintiff, plus costs, interest, and attorneys fees.

Dated: June 2, 2021

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer
Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901

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CERTIFICATE OF SERVICE

I, Peter T. Marchesi, hereby certify that:

- Answer and Affirmative Defenses of Defendants

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Wayne Boulier
Knox County Jail
327 Park Street
Rockland, ME 04841

Dated: June 2, 2021

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901